

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1566 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PARSHOTTAM KHODABHAI PATEL

Versus

MOHANBHAI LALABHAI CHAUHAN

Appearance:

MR RR TRIVEDI for Petitioner

MR SANDEEP N BHATT for Respondent No. 1, 2

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 16/04/98

ORAL JUDGMENT

Rule. By the impugned order dated 11.7.97, the petitioner has challenged the order of the Motor Accident Claims Tribunal, Morvi, whereby the Tribunal has awarded interim compensation for an amount of Rs.25,000/- with 12% interest, under the provisions of Section 140 of the Motor Vehicles Act.

2. It is contended by Mr.R.R.Trivedi, learned counsel appearing for the petitioner that the Tribunal

has passed the impugned order without prima-facie considering the fact that the petitioner is not the owner of the Tractor No.GJR-9750. He has also not looked into the papers with respect to the identity of the driver. The learned counsel for the petitioner further submits that there is no material even to show that the accident took place by the vehicle driven by the petitioner.

3. On the other hand, the learned counsel appearing for the respondents submits that the petitioner himself has admitted that he is the owner of Tractor No.GJR-9750.

4. During the course of arguments, Mr.Trivedi, learned counsel appearing for the petitioner, has given out the details of the owner of the vehicle, name of the driver and also the name of the insurance company. Mr.Sandeep Bhatt, learned counsel for the petitioner wants to verify the correctness of the information.

5. Considering all the facts and circumstances of the case, I consider it to be appropriate that the impugned order be set aside and sent back to the Tribunal for fresh decision. If the parties desire, they may amend the Claim Petition appropriately.

6. In view of the aforesaid, this Revision Application is allowed and the impugned order dated 11.7.97 passed by the Motor Accident Claims Tribunal, Morvi, in M.C.P. No.73/91, is quashed and set aside. The Tribunal will pass a fresh order after hearing the parties. Rule made absolute.

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(sunil)